

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC06-2420

v.

TFB File No. 2005-01,150(4D)

RODNEY GLENN GREGORY,

Respondent.

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**REPORT OF THE REFEREE ACCEPTING CONSENT JUDGMENT**

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On December 14, 2006, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida. At the December 6, 2007, Summary Judgment Hearing and Case Management Conference, the parties stipulated to and the court ordered Summary Judgment in favor of The Florida Bar.

## II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case. Respondent was approached by a friend named Russell Lee Parker, Jr., (Parker) to draft a series of “escrow letters” for Parker. The nature of these “escrow letters” was that Respondent was representing to the recipient of the letter that Respondent was an attorney and was holding a specified sum of money in escrow as a binder deposit. These letters were meant to be used as an aid in obtaining financing on the referenced property. The escrow letters authored by Respondent for Parker were created on Respondent’s letterhead and were signed by Respondent indicating he was an attorney. The escrow letters authored by Respondent acknowledged that Respondent was attorney for the seller (Parker), that Respondent was holding specific funds deposited on a specific date, that said funds would be held in escrow by Respondent until closing on the referenced property, and that disbursement of the funds would be according to the terms of the purchase and sale agreement between the parties mentioned. For the first two or three transactions in which Respondent wrote escrow letters for Parker, Parker gave Respondent cash money to hold in escrow. Respondent held such cash funds without depositing them into any type of bank account.

After the initial two or three escrow letters, Respondent wrote at least 10 escrow letters for Parker without receiving the escrow funds referenced in the letters. Respondent was paid \$100 for each letter he wrote for Parker. At no time did Respondent ever review either the purchase and sale agreements or the closing documents pertaining to the referenced property in the escrow letters produced for Parker. Prior to releasing the escrow funds back to Parker, Respondent never received any documentation from Parker or anyone else that the specific transaction had been completed and release of the escrow money had been approved. Parker was later indicated by a federal grand jury and charged with a mortgage fraud scheme. In 2005, Respondent testified at Parker's initial criminal trial and admitted writing false financial escrow letters for Parker.

### III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating Rules 4-8.4(c) of the Rules Regulating The Florida Bar.

### IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

90 day suspension and payment of The Florida Bar's costs.

### V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1), I considered the following personal history of Respondent and mitigating factors, to wit:

Age: 53  
Date admitted to the Bar: December 13, 1979  
Prior Discipline: None

Mitigation: Under Standard 9.32 Mitigating factors include:  
(a) absence of a prior disciplinary record-Respondent has been in practice for nearly 30 years;  
(c) personal or emotional problems-Respondent experienced severe medical emotional and financial problems;  
(e) full and free disclosure to disciplinary board of cooperative attitude toward proceedings;  
(g) good character or reputation among many in the legal community;  
(l) remorse

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Costs	\$ 1,250.00
Court Reporters Fees	\$ 798.50
Bar Counsel Travel Expenses	246.41
Investigative Costs and Expenses	<u>145.74</u>
TOTAL	\$ 2,440.65

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 29th day of January, 2008.

/s/ John V. Doyle  
The Honorable John V. Doyle  
Circuit Court Judge/Referee  
Volusia County Courthouse  
101 N. Alabama Avenue  
Deland, FL 32724

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to THE HONORABLE THOMAS D. HALL, Clerk, Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32399-1927, and that copies were furnished by regular U.S. Mail to KENNETH LAWRENCE MARVIN, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; ALLISON CARDEN SACKETT, Bar Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300; and RODNEY GLENN GREGORY, Respondent, c/o Paul A. Remillard whose record Bar address is 3201 Shamrock South, Suite 102, Tallahassee, FL 32309, on this 29th day of January, 2008.

/s/ John V. Doyle  
The Honorable John V. Doyle, Referee